

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

PERCY R. BURNEY, SR.,

Petitioner, : Case No. 2:21-cv-3422

- vs -

Chief Judge Algenon L. Marbley
Magistrate Judge Michael R. Merz

TIM SHOOP, Warden,
Chillicothe Correctional Institution,

:
Respondent.

DECISION AND ORDER

This habeas corpus case is before the Court on Petitioner's Motion To Vacate Report And Recommendation and for Extension of Time to Reply *Instanter* to Respondent's Answer to Petition (ECF No. 14). Petitioner reports that the Motion is unopposed by Respondent.

Accordingly, and for good cause shown, the Report and Recommendation (ECF No. 13) is WITHDRAWN¹. Although the caption of the Motion represents Petitioner is prepared to file a reply *instanter*, the Motion in fact requests an extension of time to file a reply to and including March 17, 2022, which is GRANTED.

¹ The Report is withdrawn rather than vacated because the case remains referred to the Magistrate Judge.

With the Court's best wishes for counsel's continued recovery of good health,

IT IS SO ORDERED.

February 18, 2022.

s/ Michael R. Merz
United States Magistrate Judge